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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,525	12/28/2001	Dipanshu Sharma	VENA-001/00US	9110
20985	7590	06/30/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			KANG, PAUL H	
		ART UNIT		PAPER NUMBER
		2141		

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/040,525	SHARMA, DIPANSHU
	Examiner	Art Unit
	Paul H. Kang	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 10/787,842; claims 1-45 of copending Application No. 10/761,650; claims 1-38 of copending Application No. 10/349,345; claims 1-25 of copending Application No. 10/336,218; and claims 1-23 of copending Application No. 10/054,878. Although the conflicting claims are not identical, they are not patentably distinct from each other because the context of the co-pending applications are the same as the context of the instant claimed invention. All applications claim a system and method for retrieving a non-voice-based (e.g., HTML) document, converting said document into a voice-based document, and serving the resulting document to the requesting user.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3, 9-10, 15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kredo et al., US Pat. Application No. US 2003/0002633 A1, in view of Keswa, US Pat. Application No. US 2004/0205614 A1.**

4. As to claims 1, 9, 15 and 20, Kredo teaches the invention substantially as claimed. Kredo teaches a system and method for browsing the Internet (Kredo, ¶¶0050-0059) comprising:

transmitting a first user request for content over a communication link to a voice browser, said voice browser operating in accordance with a voice-based protocol (Kredo, ¶0051 and ¶0057);

generating a browsing request in response to said first user request, said browsing request identifying a web server corresponding to said first user request (Kredo, ¶¶0051-0052 and ¶0057);

retrieving web page information from said web server in accordance with said browsing request, said web page information being formatted in accordance with a predefined protocol (Kredo, ¶¶0051-0052 and ¶0057); and

responding to said first user request on the basis of said file of converted information (Kredo, ¶¶0051-0052 and ¶0057).

However, Kredo does not explicitly teach generating the browsing request to a conversion server in response to said first user request if the content is not formatted in compliance with said voice-based protocol, and converting, by said conversion server, at least a first portion of said web page information into a file of converted information formatted in compliance with said voice-based protocol.

In the same field of endeavor, Keswa teaches a system and method for dynamically translating HTML to VoiceXML intelligently comprising generating the browsing request to a conversion server in response to said first user request if the content is not formatted in compliance with said voice-based protocol, and converting, by said conversion server, at least a first portion of said web page information into a file of converted information formatted in compliance with said voice-based protocol (Kredo, ¶¶0007-0009).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the HTML to VoiceXML translation as taught by Keswa into the system of Kredo for the purpose of enabling Internet access from a voice based device.

5. As to claims 2, 10 and 21, Kredo-Keswa teach the system and method wherein said browsing request specifies an address of a conversion server, said conversion server establishing a communication channel with said voice browser upon receipt of said browsing request (Kredo, ¶¶0050-0059 and Keswa, ¶¶0030-0032).

6. As to claim 3, Kredo-Keswa teach the system and method wherein said retrieving includes issuing a query to said web server in accordance with said browsing request, said query being formatted in accordance with a standard Internet protocol (Kredo, ¶¶0051-53).

7. **Claims 4-8, 11-14, 16-19 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kredo-Keswsa in view of Giangarra et al., US Pat. No. 6,101,472.**

8. As to claims 4 and 11, Kredo-Keswa teach the invention substantially as claimed. However, Kredo-Keswa do not explicitly teach a system and method wherein said retrieving includes performing a branch traversal process by retrieving branched content from at least one first level branched page linked to a root page wherein content from said root page is included within said first portion of said web page information.

In the same field of endeavor, Giangarra teaches a system and method wherein said retrieving includes performing a branch traversal process by retrieving branched content from at least one first level branched page linked to a root page wherein content from said root page is included within said first portion of said web page information (Giangarra, col. 2, lines 18-63 and col. 6, lines 6-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the system and method for preprocessing additional links associated with a website, as taught by Giangarra, into the voice based

browser system of Kredo, for the purpose of enhancing the time and efficiency of processing user requests.

9. As to claims 5 and 12, Kredo-Keswa-Giangarra teaches the system and method wherein said branch traversal process includes retrieving additional branched content from at least one second level branched page linked to said at least one first level branched page, said additional branched content being included within a second portion of said web page information (Giangarra, col. 2, lines 18-63 and col. 6, lines 6-42).

10. As to claims 6 and 13, Kredo-Keswa-Giangarra teaches the system and method further including converting said second portion of said web page information into an additional file of converted information formatted in compliance with said voice-based protocol;

retrieving at said voice browser a second user request corresponding to said branched content and responding to said second user request on the basis of information relating to said branched content included within said additional file of converted information (Giangarra, col. 2, lines 18-63 and col. 6, lines 6-42).

11. As to claim 7, Kredo-Keswa-Giangarra teaches the system and method wherein said first and second user requests are comprised of audio information (Kredo, ¶¶0050-0059).

12. As to claims 8, 14, 16, 19, 22 and 23, Kredo-Keswa-Giangarra teaches the system and method wherein conversion server further includes a database of web sites formatted in accordance with said predefined protocol; and wherein said browsing request identifies a first web site formatted inconsistently with said predefined protocol said retrieval module selecting said destination web site from said database wherein said destination web site comprises a version of said first web site formatted consistently with said predefined protocol (Kredo, ¶¶0050-0059).

13. As to claim 17, Kredo-Keswa-Giangarra teaches a system further including providing said file of converted information to said voice browser using standard Internet protocols (Kredo, ¶¶0050-0059).

14. As to claim 18, Kredo-Keswa-Giangarra teaches said browsing request identifies a conversion script, said conversion script executing upon receipt of said browsing request (Kredo, ¶¶0050-0059).

Response to Arguments

15. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. The applicants argued in substance that the prior art of record failed to teach converting HTML data into voice-based data. The new grounds of rejection teaches this feature.

Conclusion

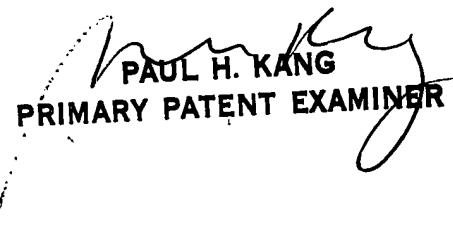
16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PAUL H. KANG
PRIMARY PATENT EXAMINER